

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TONETTE L. VAZQUEZ,  
Plaintiff,  
v.  
ALEJANDRO MAYORKAS,  
Defendant.

Case No. 18-cv-07012-JCS

**ORDER REGARDING WAIVER OF  
PRIVILEGE, PREPARATION OF  
TRANSCRIPT, AND FURTHER  
DISCOVERY**

Defendant Alejandro Mayorkas, Secretary of Homeland Security, has filed a motion to enforce a settlement agreement that was purportedly reached at a judicial settlement conference and placed on the record by defense counsel and Plaintiff Tonette Vazquez's former attorneys. The Court held an initial evidentiary hearing with testimony by Ms. Vazquez, now pro se, on May 28, 2021.

As discussed at the hearing, Ms. Vazquez has waived attorney-client privilege as to communications regarding the purported settlement by asserting that her attorneys acted without authorization and "railroaded" her. *See AT & T Mobility LLC v. Yeager*, No. 2:13-cv-0007-KJM-DAD, 2014 WL 6633374, at \*5 (E.D. Cal. Nov. 21, 2014) (holding that where "a client alleges an attorney acted without authorization," the client "in all probability waives the attorney client privilege" (citing *Bittaker v. Woodford*, 331 F.3d 715, 719 (9th Cir. 2003))).

The Court previously held part of the hearing on Ms. Vazquez's former lawyers' motion to withdraw ex parte and under seal, to protect Ms. Vazquez's attorney-client privilege. *See* dkt. 106 (text-only minute entry). Since Ms. Vazquez has now waived the privilege, the ex parte proceedings that occurred on August 21, 2020 are hereby UNSEALED. The Clerk shall obtain a transcript of those proceedings to be prepared in due course (no later than thirty days from this

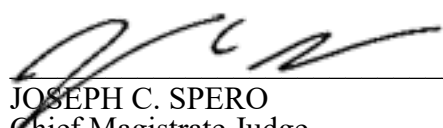
1 order) at no cost to the parties, and shall file that transcript in the public record and serve a copy  
2 on Ms. Vazquez by mail.

3 Ms. Vazquez is ORDERED to produce to defense counsel Wesley Samples, no later than  
4 June 11, 2021, copies of all emails Ms. Vazquez exchanged with her former attorneys regarding  
5 whether she accepted or rejected the purported settlement, and/or whether her former attorneys  
6 had authority to settle the case on her behalf.<sup>1</sup>

7 The motion to enforce the purported settlement remains under submission. The Court will  
8 determine how to proceed after the transcript has been prepared and the emails have been  
9 produced.<sup>2</sup> A further case management conference will occur on July 30, 2021 at 2:00 PM via  
10 Zoom webinar.

11 **IT IS SO ORDERED.**

12 Dated: May 28, 2021

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15 JOSEPH C. SPERO  
16 Chief Magistrate Judge  
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27 <sup>1</sup> At the hearing, defense counsel indicated that he also intended to serve a subpoena on Ms.  
28 Vazquez's former attorneys for these records. This order does not preclude such a subpoena.

<sup>2</sup> The parties have consented to a magistrate judge presiding over the case for all purposes  
pursuant to 28 U.S.C. § 636(c).